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AUSTIN, TX 78767				
			EXAMINER	
			SALL, EL HADJI MALICK	
		ART UNIT	PAPER NUMBER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/695,611

**Applicant(s)**

VALIA, ROHIT

**Examiner**

EL HADJI M. SALL

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the amendment filed on March 7, 2008. Claims 1-49 are pending. Claims 1-49 represent method and system for monitoring performance of processes across multiple environments and servers.

#### **2. Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11, 13-17, 19-21, 23-35, 37-44 and 46-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Bowman-Amuah U.S. 6332,163 (referred to hereafter as Bowman).

Bowman teaches the invention as claim including method for providing communication services over a computer network system (abstract).

As to claims 1, 13, 19, 23, 25, 37 and 46, Bowman teaches a system, a method and a computer-accessible medium, comprising:

a server configured to host an application accessible by one or more clients via a network (figure 17); and

a client device comprising a thin client configured to access the application via the network (column 26, lines 57-63);

wherein the system is configured to download a version of the application to the client device via the network, wherein the downloaded version of the application is configured to provide at least a portion of application logic of the application to the thin client (column 26, lines 57-59); and

wherein the thin client is further configured to:

disconnect from the application on the server (column 54, lines 22-24); and

access the downloaded version of the application on the client device to perform one or more functions of the application provided by the at least a portion of the application logic while the thin client is disconnected from the application (column 26, lines 55-63).

As to claim 2, Bowman teaches the system as recited in claim 1, wherein the client device is further configured to store one or more changes made to application

data during said access of the downloaded version of the application (column 123, lines 9-18).

As to claim 3, Bowman teaches the system as recited in claim 2, wherein the thin client is further configured to reconnect to the application on the server via the network (column 257, lines 53-56; column 54, lines 22-24); and

wherein the application on the server is further configured to integrate the one or more changes made to the application data on the client device into application data on the server after said reconnection (column 25, lines 24-30).

As to claim 4, Bowman teaches the system as recited in claim 2, wherein the thin client is further configured to reconnect to the application on the server via the network (column 257, lines 53-56; column 54, lines 22-24); and

wherein the system further comprises a synchronization service configured to integrate the one or more changes made to the application data on the client device into application data on the server (column 50, lines 6-15).

As to claim 5, Bowman teaches the system as recited in claim 1, wherein the thin client is further configured to reconnect to the application on the server via the network (column 257, lines 53-56; column 54, lines 22-24); and

wherein the client device is further configured to delete the downloaded version of the application after said reconnection (figure 139).

As to claim 6, Bowman teaches the system as recited in claim 1, wherein the application is further configured to save a state of the thin client with the application before said disconnection (figure 157).

As to claim 7, Bowman teaches the system as recited in claim 6, wherein the downloaded version of the application is configured to maintain state information for said access of the downloaded version of the application on the client device (column 103, lines 30-35);

wherein the thin client is further configured to reconnect to the application on the server via the network (column 257, lines 53-56; column 54, lines 22-24); and

wherein the application is further configured to update the saved state of the thin client on the server according to the state information for said access of the downloaded version of the application on the client device (column 103, lines 56-67).

As to claim 8, Bowman teaches the system as recited in claim 1, wherein said download of the version of the application via the network is initiated by the application (column 27, lines 25-29).

As to claim 9, Bowman teaches the system as recited in claim 1, wherein said download of the version of the application via the network is initiated by the thin client (column 108, lines 48-56).

As to claim 10, Bowman teaches the system as recited in claim 1, wherein said download of the version of the application via the network is initiated in response to an indication that a network connection between the thin client and the application is to go down (column 148, lines 35-40).

As to claim 11, Bowman teaches the system as recited in claim 1, wherein the server is in one tier of a tiered network environment, and wherein the client device is in another tier of the tiered network environment (figure 10; column 26, lines 7-9).

**4. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12, 22, 36 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah U.S. 6332,163 (referred to hereafter as Bowman) in view of Smith et al. U.S. 20020065899.

Bowman teaches the invention substantially as claim including method for providing communication services over a computer network system (abstract).

As to claims 12, Bowman teaches the system as recited in claim 1.

Bowman fails to teach explicitly Java TM 2 Platform, Enterprise Edition (J2EETM), and an Enterprise JavaBeans (EJBs).

However, Smith teaches Java TM 2 Platform, Enterprise Edition (J2EETM), and an Enterprise JavaBeans (EJBs) (Paragraph [0064]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bowman in view of Smith to provide wherein the application is implemented according to Java TM 2 Platform, Enterprise Edition (J2EETM), and wherein the application logic is implemented as Enterprise JavaBeans (EJBs). One would be motivated to do so to allow providing a pure Java environment for developing and running distributed applications.

Claims 13-49 do not teach or define any new limitations above claims 1-12, and therefore are rejected for similar reasons



**6. Response to Arguments**

Applicant's arguments filed 03/07/08 have been fully considered but they are not persuasive.

(A) In regarding independent claim 1, Bowman does *not* teach a client device comprising a thin client configured to interact with the application via the network to remotely perform one or more functions of the application; wherein the system is configured to download a version of the application to the client device via the network, wherein the downloaded version of the application is configured to provide at least a portion of application logic of the application to the thin client.

In regards to point (A), examiner respectfully disagrees.

In column 26, lines 57-63, Bowman discloses Network Computers, thin-client devices (i.e. A **thin client** (sometimes also called a **lean client**) is a client computer or client software in client-server architecture networks which depends primarily on the central server for processing activities, and mainly focuses on conveying input and output between the user and the **remote server** (see [www.answers.com](http://www.answers.com))) that download and run applications (i.e. "configuring") from a centrally maintained server are generating a lot of interest. Also, users want to have access to the same information from multiple physical devices. For example, a user might want to have

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access to his/her e-mail from a cellular phone, from a Web TV or their portable PC.

Therefore, "providing a portion of application logic of the application to the thin client.

(B) Applicant argues that column 54, lines 22-24 of Bowman has nothing to do with a thin client interacting with an application via a network to remotely perform one or more functions of the application.

In regards to point (B), examiner respectfully disagrees.

Column 54, lines 22-24 was not used to address such features.

(C) Applicant argues that column 26, lines 55-63 of Bowman say anything about a portion of application logic of the application being provided to the thin client for use after the thin client has disconnected from the application on the server.

In regards to point (C), examiner respectfully disagrees.

Column 54, lines 22-24, Bowman discloses the users working (i.e. "application being provided to the thin client (i.e. inside the client machine of Bowman)") disconnected from the network.

## **7. Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/El Hadji M Sall/

Examiner, Art Unit 2157

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157

